

HOUSE BILL 272

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2003 Regular Session
(31r0237)

ENROLLED BILL

-- Health and Government Operations/Education, Health, and
Environmental Affairs --

Introduced by **Delegates Sophocleus, Boschert, Boteler, Cadden, Carter,
Costa, Dwyer, Impallaria, Menes, Murray, Parrott, and Rzepkowski**
Rzepkowski, Boutin, McDonough, Elliott, Smigel, Donoghue, and Kach

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vital Statistics - Certificate of Birth Resulting in Stillbirth**

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to
4 establish procedures for the issuance of a certificate of birth resulting in
5 stillbirth for each fetal death occurring after a certain gestation period;
6 requiring the Secretary to collect, index, and safeguard from certain damage
7 each certificate of birth resulting in stillbirth; requiring certain format and
8 filing requirements for each certificate of birth resulting in stillbirth; requiring
9 the Secretary to adopt certain regulations; requiring the Secretary to provide a
10 copy of a certificate of birth resulting in stillbirth upon request and to collect a
11 certain fee for a copy of a certificate of birth resulting in stillbirth; providing for
12 certain prohibited acts related to a certificate of birth resulting in stillbirth;
13 defining certain terms; requiring the Department of Health and Mental Hygiene
14 to offer make available a certificate of birth resulting in stillbirth to certain

1 parents; requiring the Department to establish procedures for the issuance of a
 2 certificate of birth resulting in stillbirth upon the request of certain parents who
 3 had a stillborn child prior to the effective date of this Act; requiring the
 4 Department to implement certain procedures by a certain date; requiring the
 5 Department to make a certain report to certain committees of the General
 6 Assembly on or before a certain date; and generally relating to a certificate of
 7 birth resulting in stillbirth.

8 ~~BY repealing and reenacting, without amendments,~~
 9 ~~Article - Health - General~~
 10 ~~Section 4-201(a) and (e), 4-203, and 4-213(a) and (b)~~
 11 ~~Annotated Code of Maryland~~
 12 ~~(2000 Replacement Volume and 2002 Supplement)~~

13 ~~BY repealing and reenacting, with amendments,~~
 14 ~~Article - Health - General~~
 15 ~~Section 4-201(f), (m), (n), and (o), 4-204, 4-207, 4-217(a)(1) and (c)(1), and~~
 16 ~~4-226~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2000 Replacement Volume and 2002 Supplement)~~

19 BY adding to
 20 Article - Health - General
 21 Section 4-213.1 and 4-213.2
 22 Annotated Code of Maryland
 23 (2000 Replacement Volume and 2002 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 25 MARYLAND, That the Laws of Maryland read as follows:

26 **Article - Health - General**

27 ~~4-201.~~

28 (a) ~~In this subtitle the following words have the meanings indicated.~~

29 (e) ~~"Fetal death" means death of a product of human conception, before its~~
 30 ~~complete expulsion or extraction from the mother, regardless of the duration of the~~
 31 ~~pregnancy, as indicated by the fact that, after the expulsion or extraction, the fetus~~
 32 ~~does not breathe or show any other evidence of life, such as heart beat, pulsation of~~
 33 ~~the umbilical cord, or definite movement of voluntary muscle.~~

34 (f) ~~"File" means to present for registration any certificate, report, or other~~
 35 ~~record including records transmitted by approved electronic media, including~~
 36 ~~facsimile, of birth, BIRTH RESULTING IN STILLBIRTH, death, fetal death, adoption,~~
 37 ~~marriage, or divorce for which this subtitle provides and to have the Secretary accept~~
 38 ~~the record.~~

1 (m) "Registration" means acceptance by the Secretary and incorporation in the
2 records of the Department of any certificate, report, or other record of birth, BIRTH
3 RESULTING IN STILLBIRTH, death, fetal death, adoption, marriage, divorce, or
4 dissolution or annulment of marriage for which this subtitle provides.

5 (n) "Vital record" means a certificate or report of birth, BIRTH RESULTING IN
6 STILLBIRTH, death, fetal death, marriage, divorce, dissolution or annulment of
7 marriage, adoption, or adjudication of paternity that is required by law to be filed
8 with the Secretary.

9 (o) "Vital statistics" means the data derived from certificates and reports of
10 birth, BIRTH RESULTING IN STILLBIRTH, death, fetal death, marriage, divorce,
11 dissolution or annulment of marriage, and reports related to any of these certificates
12 and reports.

13 ~~4-203.~~

14 (a) The Secretary is charged with administering efficiently and uniformly this
15 subtitle throughout this State.

16 (b) (1) The Secretary shall establish appropriate methods and the necessary
17 forms for accurate registration of vital records.

18 (2) The forms shall provide for the information that the Secretary needs
19 for proper registration and use of these vital records.

20 ~~4-204.~~

21 (a) The Secretary shall collect, index, and safeguard from fire, loss, or damage
22 each certificate of birth, BIRTH RESULTING IN STILLBIRTH, death, and fetal death.

23 (b) After registration of a completed death or fetal death certificate, the
24 Secretary shall send a copy of the original certificate to the county registrar for the
25 county where the event occurred. The copy may be photographic or electronic or
26 produced by other means as prescribed by the Secretary.

27 ~~4-207.~~

28 (a) (1) Each certificate of birth, BIRTH RESULTING IN STILLBIRTH, death, or
29 fetal death shall be typed or printed legibly in unfading black ink, or stored on
30 electronic media approved by the Secretary.

31 (2) The person who is required to complete the record shall attest to its
32 accuracy either by signature or by approved electronic process.

33 (b) A certificate is not complete or correct if it does not give each item of
34 required information to the extent the information is obtainable.

1 ~~4-213.~~

2 (a) If a fetal death occurs after a gestation period of 20 weeks or more, then
3 within 72 hours after delivery, a certificate of fetal death shall be filed by:

4 (1) The mortician who first takes custody of a fetus;

5 (2) The person in charge of the institution or the person's designated
6 representative when a fetus is delivered in an institution;

7 (3) The physician in attendance at or immediately after delivery when a
8 fetus is delivered outside an institution; or

9 (4) The medical examiner when a fetal death occurs without medical
10 attendance at or immediately after the delivery when a medical examiner's inquiry is
11 required.

12 (b) The person who files the fetal death certificate shall obtain:

13 (1) The personal information from the next of kin or the best qualified
14 individual or source available; and

15 (2) The medical certification of cause of death:

16 (i) From the medical examiner, within 24 hours after the medical
17 examiner takes charge of the fetus; or

18 (ii) If the medical examiner does not take charge of the fetus, from
19 the attending physician within 24 hours after delivery.

20 4-213.1.

21 (A) ~~IN ADDITION TO THE REQUIREMENTS OF § 4-213 OF THIS SUBTITLE, THE~~
22 ~~SECRETARY SHALL ESTABLISH PROCEDURES FOR THE ISSUANCE OF A CERTIFICATE~~
23 ~~OF BIRTH RESULTING IN STILLBIRTH FOR EACH FETAL DEATH OCCURRING IN THE~~
24 ~~STATE AFTER A GESTATION PERIOD OF 20 WEEKS OR MORE.~~

25 (B) ~~THE CERTIFICATE OF BIRTH RESULTING IN STILLBIRTH SHALL:~~

26 (1) ~~BE OFFERED TO THE PARENT OR PARENTS OF A STILLBORN CHILD;~~

27 (2) ~~BE FILED WITHIN 72 HOURS AFTER DELIVERY; AND~~

28 (3) ~~MEET ALL OF THE FORMAT AND FILING REQUIREMENTS OF § 4-208~~
29 ~~OF THIS SUBTITLE, RELATING TO A LIVE BIRTH.~~

30 (B) THE DEPARTMENT SHALL OFFER MAKE AVAILABLE A CERTIFICATE OF
31 BIRTH RESULTING IN STILLBIRTH TO THE PARENT OR PARENTS OF A STILLBORN
32 CHILD FOR WHOM A FETAL DEATH WAS REGISTERED.

1 (C) THE INDIVIDUAL PREPARING THE CERTIFICATE OF BIRTH RESULTING IN
2 STILLBIRTH SHALL NOT INCLUDE ANY REFERENCES TO THE STILLBORN CHILD'S
3 FIRST NAME IF THE STILLBORN CHILD'S PARENT OR PARENTS DO NOT WISH TO
4 PROVIDE A FIRST NAME FOR THE STILLBORN CHILD.

5 ~~4-213.2.~~

6 ~~(A) THE SECRETARY SHALL ADOPT REGULATIONS TO GOVERN THE FILING OF
7 A RECORD OF BIRTH RESULTING IN STILLBIRTH IF A CERTIFICATE OF BIRTH
8 RESULTING IN STILLBIRTH IS NOT FILED WITHIN THE TIME REQUIRED BY § 4-213.1
9 OF THIS SUBTITLE.~~

10 ~~(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION
11 SHALL BE CONSISTENT WITH REGULATIONS ADOPTED UNDER § 4-210 OF THIS
12 SUBTITLE REGARDING DELAYED BIRTH REGISTRATION.~~

13 ~~4-217.~~

14 ~~(a) (1) Except as provided in subsection (b) of this section, the Secretary
15 shall provide, on request, any person authorized by regulations adopted under this
16 subtitle with a certified or abridged copy of a birth, BIRTH RESULTING IN
17 STILLBIRTH, death, or fetal death certificate registered under this subtitle or of the
18 certificate of a marriage performed after June 1, 1951.~~

19 ~~(e) (1) Except as otherwise provided by law, the Department shall collect a
20 \$6 fee for each certified or abridged copy of a birth, BIRTH RESULTING IN STILLBIRTH,
21 death, fetal death, or marriage certificate or for a report that a search of the files was
22 made and the requested record is not on file.~~

23 ~~4-226.~~

24 ~~(a) A person may not fail or refuse to execute and deliver a certificate of birth,
25 BIRTH RESULTING IN STILLBIRTH, death, or fetal death required by this subtitle.~~

26 ~~(b) (1) A person may not willfully provide false information for entry or
27 willfully enter false information on a certificate of birth, BIRTH RESULTING IN
28 STILLBIRTH, death, or fetal death.~~

29 ~~(2) A person may not fail to provide a Social Security number or willfully
30 provide a false Social Security number to the clerk of court under § 4-208(g) of this
31 subtitle.~~

32 ~~(c) Except as authorized by this subtitle, a person may not willfully alter any
33 certificate, certified copy of a certificate, or other certified statement that relates to a
34 birth, BIRTH RESULTING IN STILLBIRTH, death, fetal death, or marriage registered
35 under this subtitle.~~

36 ~~(d) (1) A person may not willfully use or attempt to use, with the intention to
37 deceive, any certificate of birth or certified copy of a record of birth knowing that the
38 certificate or certified copy:~~

1 (i) Was issued on a record that is wholly or partly false; or

2 (ii) Relates to the birth of another individual.

3 (2) A person may not willfully and knowingly provide a certificate of
4 birth or a certified copy of a record of birth to another person with the intention that
5 it be used by that person to deceive.

6 (e) Without authorization, a person may not produce, reproduce, or distribute
7 a blank certificate or other form that the Secretary uses to register or certify facts
8 that relate to a birth, BIRTH RESULTING IN STILLBIRTH, death, fetal death, or
9 marriage.

10 (f) A person may not willfully use or attempt to use a photocopy of a birth,
11 BIRTH RESULTING IN STILLBIRTH, death, fetal death, or marriage certificate for any
12 fraudulent or deceptive purpose.

13 (g) A person who has access to the birth, BIRTH RESULTING IN STILLBIRTH,
14 death, or fetal death records in the custody of the Secretary or an agent of the
15 Secretary may not willfully communicate to anyone known to the person to be
16 unauthorized any fact recorded on any birth, BIRTH RESULTING IN STILLBIRTH,
17 death, or fetal death certificate.

18 (h) A person may not willfully transport or accept for transportation,
19 dissection, or other disposition a body without a burial transit permit, as provided in
20 this subtitle.

21 (i) A person may not willfully:

22 (1) Violate any provision of this subtitle;

23 (2) Neglect to perform any duty imposed by this subtitle; or

24 (3) Violate any rule or regulation adopted under this subtitle.

25 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
26 ~~October 1, 2003.~~

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
28 Health and Mental Hygiene shall establish procedures for the issuance of a certificate
29 of birth resulting in stillbirth upon the request of a parent or parents who have
30 received a certificate of fetal death prior to the effective date of this Act.

31 SECTION 3. AND BE IT FURTHER ENACTED, That:

32 (a) The Department of Health and Mental Hygiene shall adopt and implement
33 the procedures required by this Act on or before January 1, 2004; and

34 (b) On or before October 1, 2005, the Department of Health and Mental
35 Hygiene shall report to the Governor, and in accordance with § 2-1246 of the State
36 Government Article, to the Senate Education, Health, and Environmental Affairs

1 Committee and the House Health and Government Operations Committee, on the
2 implementation of this Act, including the number of certificates of births resulting in
3 stillbirth issued in the State and the procedures implemented by the Department.

4 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect ~~October 1, 2003~~ *June 1, 2003*.